

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

295790

DATE OF REPORT (DAY-MO.-YEAR)
26 Apr 04 T
26 Mar 04

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE
ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME WILMOUTH, John				RANK Inv.	STAR NO. 256	SOCIAL SEC. NO. -----	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 113	
ADDRESS OF INCIDENT [REDACTED]				DATE OF INCIDENT - TIME 03 Feb 04, 1430 hours		BEAT OF INCIDENT 2324		LOCATION CODE* 017	
Accused	NAME 1. PIWNICKI, Raymond			RANK PO	STAR NO. 7858	SOCIAL SEC. NO. -----	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 153	
	2. SMITH, Robert			PO	19314		[REDACTED]	153	
	SEX/RACE 1. M/W	D.O.B. [REDACTED] 72	DATE OF APPOINTMENT 08 Jun 98	DUTY STATUS (TIME OF INCIDENT) <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN		PHYS. COND. CODE 01	
	2 M/W	[REDACTED] 72	02 Dec 96	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN		01	
	IF APPLICABLE - DATE ARRESTED/INDICATED 1.		CHARGES		COURT BRANCH	DISPOSITION & DATE			
2									
Complainants	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE M/B	D.O.B. /AGE [REDACTED] 78	PHYS. COND. CODE
	[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Victims	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B. /AGE	PHYS. COND. CODE
	[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Witnesses	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	D.O.B. /AGE	PHYS. COND. CODE
	[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[] SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS

On 11 Feb 04 at approximately 2040 hours, the complainant [REDACTED] contacted the Office of Professional Standards the telephone and registered the complaint with OPS Intake Aide Alice Springfield. [REDACTED] alleged that on 09 Feb 04 approximately 1200 hours while at approximately [REDACTED] Officer Raymond Piwnicki #7858: 1) pointed a gun at complainant's face. [REDACTED] further alleged that, at the same location, Officer Robert Smith #19314: 1) stated, "Shut the fuck u don't like niggers." [REDACTED] further alleged that, while inside the 010th District, Officer Robert Smith #19314: 2) punched him on mouth and stated, "Shut the fuck up."

I.A.D. LOCATION CODES*

01 Food Sales/Restaurant
02 Tavern/Liquor Store
03 Other Business Establishment
04 Police Building
05 Lockup Facility
06 Police Maintenance Facility
07 CPD Automotive Pound Facility
08 Other Police Property
09 Police Communications System
10 Court Room

11 Public Transportation Veh./Facility
12 Park District Property
13 Airport
14 Public Property - Other
15 Other Private Premise
16 Expressway/Interstate System
17 Public Way - Other
18 Waterway, Incl. Park District
19 Private Residence

I.A.D. PHYSICAL CONDITION CODES

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medical Aid
08 Injured, Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

** IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or dis support the allegations(s).
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History be included as attachments.

This case concerns an altercation between officers and a citizen, where the citizen was arrested for Possession of a Stolen Vehicle.

The following investigative steps were taken in an effort to prove or disprove the allegations:

Obtained a telephone interview of [REDACTED] who suffered a small laceration on the inside of his lip, but did not seek medical attention. This supports the allegations. (Att.# 2)

Unsuccessfully attempted to interview alleged witness [REDACTED] who failed to cooperate with the investigation. (Att.# 10)

Obtained the Arrest Report for [REDACTED] which indicated that he fled on foot from a stolen vehicle. [REDACTED] was also in possession of cannabis. The Receiving Screening Record did not indicate any injury. This contradicts the allegations. (Att. #11)

Obtained a To/From Subject Report from Officer Piwnicki, who denied the allegation. Officer Piwnicki had his weapon concealed because [REDACTED] fled and did not have his hands visible. Officer Piwnicki never pointed his weapon at [REDACTED] or used profanity. This contradicts the allegations. (Att. #25)

Obtained a To/From Subject Report from Officer Smith, whose account of the incident was similar to Officer Piwnicki's. Officer Smith denied the allegations against him. This contradicts the allegations. (Att. #20)

Conclusion:

Allegation #1 against Officer Piwnicki and Allegations 1-2 against Officer Smith: Not Sustained- There was insufficient evidence to either prove or disprove the allegations.

SUMMARY

Attachments

INVESTIGATIVE REPORTS-
SUPPORTING ALLEGATION
LIST ATTACHMENT NUMBERS:
1, 2

INVESTIGATIVE REPORTS-
SUPPORTING ACCUSED MEMBER(S)
LIST ATTACHMENT NUMBERS:
9, 11, 20, 25

PHYSICAL EVIDENCE
(LIST ATTACHMENT NUMBERS:
)

TOTAL NUMBER OF ATTACHMENTS
SUBMITTED WITH THIS FILE:
26

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for ... days (not to exceed 5 days).

FINDINGS:

Accused Officer #1: **Officer Raymond Piwnicki #7858**

Allegation #1: **Not Sustained**

Accused Officer #2: **Officer Robert Smith #19314**

Allegation #1: **Not Sustained**

Allegation #2: **Not Sustained**

[REDACTED]
Supervisor, O.P.S.

(prepared by OPS Inv. R. Troy #253)

CR #295790

DATE INITIATED 11 Feb 04
(DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION)

DATE COMPLETED
(DATE OF THIS
REPORT) 26 Mar 04

ELAPSED TIME
(TOTAL TIME,
EXPRESSED IN DAYS) 44 Days

Investigator will initiate the Command Channel Review
for by completing the Investigator's Section.